nucleation feature to bring said at least one nucleation feature within a focal zone of said acoustic source.

68. (Amended) The method of claim 38 comprising,

positioning said at least one nucleation feature relative to an active site, and said step of providing said acoustic field comprises, providing said acoustic field with selected characteristics to promote mixing of a portion of said fluid proximate to said active site.

77. (Amended) The method of claim 151, wherein said constituent is a biological sample.

115. (Amended) The apparatus of claim 113 comprising, a positioning mechanism adapted adjust a relative position between said acoustic source and said at least one nucleation feature, to bring said at least one nucleation feature within a focal zone of said acoustic source.

Please also add new claims 151-153 as follows:

151. (New) The method of claim 38, wherein said fluid is contained in a microvessel having a constituent.

152. (New) The apparatus of claim 113, wherein said fluid is contained in a microvessel having a constituent.

153. (New) The apparatus of claim 152, wherein said constituent is a biological sample.

REMARKS

Upon entry of this paper, claims 39, 40, 68, 77, and 115 have been amended and claims 151-153 have been added. Applicants enclose a marked-up copy of the amended claims in accordance with 37 C.F.R. § 1.121(c)(1)(ii). Applicants submit no new matter has been added by these amendments.

Claims 38-40, 43, 45, 47, 51, 54, 63, 68, 77, 113-115, 118, 120, 122, 126, 129, 137, 142, and 151-153 are pending.

Requirement to restrict

The Office Action indicates that two species of the invention exist for acoustic propagated fluid motion: 1) the apparatus and method of selectively positioning at least one